

# EXHIBIT 4

## Kaufmann, Adam

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**From:** Kaufmann, Adam  
**Sent:** Tuesday, November 8, 2022 4:30 PM  
**To:** jlabbe@marshallip.com; bhorton@marshallip.com; rricordati@marshallip.com; jlucas@marshallip.com; cmurray@marshallip.com; Mayo, Andrew C.; Deborah S. Pocius; Myers, Nikki; Kipp, Michele L.  
**Cc:** Nelson, Mark; Stover, Chad; Hooker, Darrick; Lisch, David; Sarros, Dana; Pendroff, Benjamin; Butler, Nell; Geissler, Susette; Lytle, Kathleen  
**Subject:** RE: BearBox LLC et al v. Lancium, LLC et al, C.A. 21-534 - Pretrial Order materials  
**Attachments:** Lancium MIL #1.pdf; Lancium MIL #2.pdf; Lancium MIL #3.pdf; 2022\_11\_01-proposed\_voir\_dire - Lancium edits.docx; 2022\_11\_01-proposed\_preliminary\_jury\_instructions -Lancium Redline.docx; 2022\_11\_01-proposed\_final\_jury\_instructions - Lancium Redline.docx; Bearbox v. Lancium - Verdict Form - Lancium Version.docx; AMENDED Lancium - PTO Exhibit 9 - Lancium witness list.docx

Counsel,

Pursuant to the parties' agreed upon pretrial exchange schedule, attached please find the following documents:

- Lancium's motions *in limine* nos. 1-3
- Lancium's revisions to the proposed voir dire
- Lancium's revisions to the proposed preliminary jury instructions
- Lancium's revisions to the proposed final jury instructions
- Lancium's proposed verdict form

Regarding the jury instructions, we have identified instructions that Defendants currently do not dispute as “[JOINT].” For instructions for which it appears the parties have a dispute, we have identified these as “[DISPUTED]” and depending on the scope of the disagreement we have either included our revisions inline or have included an alternative construction. Note, however, that where Defendants have included an alternative jury instruction, we reserve the right to seek or propose revisions to Plaintiffs’ proposed instruction. Likewise, we reserve the right to seek or propose revisions to Plaintiffs’ proposed verdict form. We also reserve the right to seek further revisions to the jury instructions, voir dire, and verdict form as the parties meet-and-confer in an effort to resolve disputes or as needed to address disputes that arise.

We also realized that Lancium’s previously provided witness list (Ex. 9 to the Pretrial Order) inadvertently did not include Nikolaus Baer as a “may call” witness. Accordingly, please see the attached amended witness list that corrects this omission and now includes Mr. Baer.

Regards,

**Adam Kaufmann** | Partner

Barnes & Thornburg LLP

One North Wacker Drive, Suite 4400, Chicago, IL 60606

Direct: (312) 214-8319 | Mobile: (312) 898-0151



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